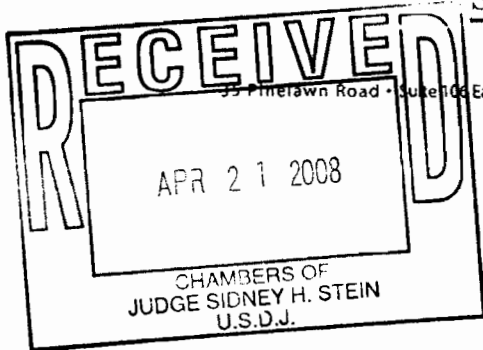
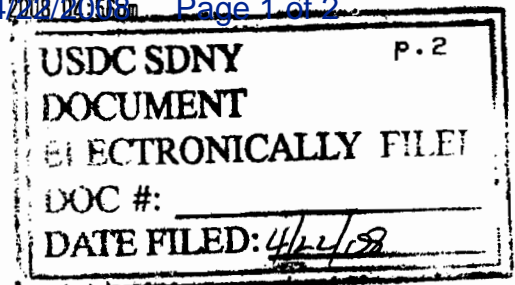




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**MEMO ENDORSED**

April 21, 2008

Hon. Judge Sidney H. Stein  
United States District Court  
Southern District of New York  
500 Pearl Street, Courtroom 23A  
New York, NY 10007

RE: Request for Adjournment of Court-Ordered Mediation in the case of  
*Travelers Property Casualty Company of America v. Tishman  
Construction Corporation of New York et al.*  
**Case No.: 07-cv-11178-SHS**  
**Sheps File No.: 6771**

Dear Hon. Judge Stein:

As you are aware, the undersigned represents Plaintiff Travelers Property Casualty Company of America a/s/o of Ethical Culture Fieldston School in the above-referenced case. This matter has been scheduled for a court-ordered mediation on Tuesday, April 29, 2008. Upon speaking with counsel for defendants, it is jointly and respectfully requested by the majority of defense counsel that this mediation be adjourned.<sup>1</sup>

Although mediation and settlement discussions are most often welcomed by Plaintiff, counsel for the respective parties in this case believe that mediation, at this stage in discovery, would not prove meaningful. To date, all parties have only exchanged initial disclosures and it would be very difficult to have discussions regarding the potential liability amongst all parties in this case at this early stage in discovery. Additionally, the undersigned is set to begin trial in another case next week in Westchester County Supreme Court and I will most probably not physically be able to attend the mediation.

Counsel understands the complexity of this case and the efforts which were taken to schedule the above-referenced mediation. However, it is believed that the best interests of all parties will be met by adjourning this mediation until all parties have had an opportunity to exchange further discovery, perhaps for sixty (60) days.

<sup>1</sup> One party who believes it should be dismissed from the case object to any adjournment.

*April 29 mediation adjourned sine die. The parties are to agree on another date A.S.A.P. The mediation is to conclude by June 22.*  
**SO ORDERED 4/22/08**  
  
**SIDNEY H. STEIN**  
U.S.D.J.

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No prior requests for adjournments of this mediation have been made. We appreciate any and all consideration given to this request. If there are any questions or concerns regarding the foregoing, please do not hesitate to contact the undersigned at your convenience.

Very Yours Truly,

  
SHEPS LAW GROUP, P.C.

ROBERT C. SHEPS

RCS/aa

Cc: (Via Facsimile)

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